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EXAMINER

SELLERS, DANIEL R

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/829,581	Applicant(s) BEN-YAACOV ET AL.	
	Examiner DANIEL R. SELLERS	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-17,53,56 and 57 is/are pending in the application.
- 4a) Of the above claim(s) 19,20,27-36,42-50 and 52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-14,16,17,53,56 and 57 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/14/2009 have been fully considered but they are not persuasive.
2. Regarding claim 1, the examiner respectfully disagrees. The amended claims are given the broadest reasonable interpretation in light of the specification and the state of the art at the time of the invention. Accordingly, the prior art teaches an FM transmitter, which is a method of transmitting analog data, for transmitting a song to an FM receiver. Grady teaches transmitting a song over FM from a digital music player, such as an IPOD (see ¶ 0010). Fadell teaches that an IPOD receives digital music from another computer, and it is well-known that MP3 music is commonly associated with meta-data in a self-contained ID3 tag (see ¶ 0043 and 0055-0057). Finally, Thielen teaches an FM transmitter with an RDS feature (see ¶ 0129). It is interpreted that the second transfer socket is the means for transferring songs from a computer to the mobile media player, such as the IPOD, and the first transfer socket is for transferring the song from the media player to the FM transmitter. The combination teaches these features, wherein analog audio is transmitted over FM and the meta-data is transmitted over FM via the RDS service.
3. Regarding claims 2-14, 16, and 17, see the preceding argument with respect to claim 1 and the following rejections under 35 USC 103.

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4. Regarding claim 53, see the preceding argument with respect to claim 1. The claim is interpreted in the same manner and rejected for similar reasons. See the following rejections under 35 USC 103.

Drawings

5. The drawings were received on 5/18/09. These drawings are acceptable.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. **Claims 1, 4-6, 10-14, 16-17, and 53** are rejected under 35 U.S.C. 103(a) as being unpatentable over Grady (previously cited), US 2004/0058649 A1, in view of Fadell et al., US 2004/0224638 A1 (previously cited and hereinafter Fadell) with evidence from Csicsatka, US 2003/0158737 A1 (previously cited), and further in view of Thielen (previously cited), US 2004/0117442 A1.

8. Regarding **claim 1**, Grady teaches a hand-held music player for use in conjunction with radios, comprising:

a casing (see ¶ 0073 and figure 18, show an iPod™ (hereinafter IPOD), which has a casing) ;

a mini-jack socket on said casing to play music into a headphone (see ¶ 0073 and figure 18, unit 259 in view of Thielen);

a first transfer socket on said casing, through which an analog song is transferred to an external radio transmitter (see ¶ 0064 and figure 12, unit 226);

a second transfer socket on said casing, distinct from the mini-jack socket and the first transfer socket, (see ¶ 0073 and figure 18, unit 259)

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Grady teaches a modular FM transmitter for transmitting the audio playback of an IPOD, or similar device (see abstract and ¶ 0009-0012). However, Grady does not teach:

a first transfer socket distinct from the mini-jack socket and a second transfer socket... "through which digital song and meta-data for the song are received from a digital music library, and through which the meta-data for the song is transferred to the radio transmitter"

Fadell teaches methods for a portable media device to communicate with other devices (see abstract). Specifically, Fadell teaches the IPOD as an exemplary embodiment of the portable media device (see ¶ 0043). Fadell similarly teaches a mini-jack socket to play music into a headphone (see ¶ 0055 and figure 1, unit 116). Fadell, also, teaches a second socket on said casing, distinct from the mini-jack socket, through which a digital song and meta-data is transferred (see ¶ 0055-0057, 0060-0062, figure 1, unit 118, and figure 2, unit 158A). Specifically, Fadell teaches that there may be one or more data ports on the hand-held music player by design (see ¶ 0057), and the data connection between the hand-held music player and a media device many different connections (e.g. digital or analog audio) in different connectors (e.g. USB or FIREWIRE) (see ¶ 0062 and figure 2). Fadell further teaches that the media device may be a docking station with various connections (see ¶ 0074, 0076, 0081, and figure 2, unit 154, figure 5, unit 214, figure 6C, and figure 7C, units 268 and 270). Fadell teaches a multitude of design choices, and illustrates that a docking station can expand a connector on hand-held music player (see figure 2, unit 158A) to a first transfer socket, distinct from the mini-jack, through which an analog song can be transferred (see figure 7C, unit 270). can be transferred (see ¶ 0055). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of

Grady and Fadell for the purpose of transferring songs from a computer to a digital audio player for portability. Csicsatka, US 2003/0158737 A1, is evidence of a portable digital audio player with a separate headphone and a line-out socket (i.e. a mini-jack socket distinct from the first socket) (see abstract, ¶ 0050, and figure 1, units 17 and 41). However, the combination does not teach or make obvious:

"circuitry to process the digital song and meta-data received by said second transfer socket from the digital music library, to generate the analog song transferred by said first transfer socket to the radio transmitter, to generate the meta-data transferred by said second transfer socket to the radio transmitter, and to generate the music played by said mini-jack socket into the headphone."

Thielen teaches a hand-held music player for use in conjunction with radios, which is capable of sending metadata to the radio transmitter to be transmitted to the radio (see ¶ 0049-0050 and 0129). Thielen teaches a second socket on said casing through which digital audio data is received (see ¶ 0015). Ideally, Thielen teaches an all-in-one solution (see figures 3 and 10, unit 20), wherein the text (i.e. meta-data) is transmitted by the FM transmitter using RDS (see ¶ 0129). However, Thielen also teaches a modular solution, like that taught by Grady (see Thielen, ¶ 0213 and 0217-0220). It would have been obvious for one of ordinary skill in the art at the time of the invention to use circuitry (see Thielen, ¶ 0128-0129, 0213, and 0217-0220) to convert the received digital audio to analog to transmit it to the radio via frequency modulation and to convert the received digital meta-data to RDS data for the purpose of displaying pertinent data, such as the artist and song title to car passengers (see Fadell, ¶ 0055, figure 1, unit 118 and figure 6C). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Grady,

Fadell, and Thielen with evidence from Csicsatka for the purpose of better display of meta-data.

9. Regarding **claim 4**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, further comprising an LED display to display the meta-data transferred by said second transfer socket to the radio transmitter (see Grady, ¶ 0075-0076 and figure 19 and Fadell, ¶ 0047, wherein the display is backlit by an LED).

10. Regarding **claim 5**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, further comprising an LCD display to display the meta-data transferred by said second transfer socket to the radio transmitter (see Fadell, ¶ 0047 and/or Thielen, ¶ 0117 and 0139).

11. Regarding **claim 6**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, wherein the second transfer socket comprises a USB socket (see Grady, ¶ 0073).

12. Regarding **claim 10**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, wherein the radio transmitter is an FM or an RF transmitter (Grady, ¶ 0039-0040).

13. Regarding **claim 11**, see the preceding argument with respect to claim 10. The combination teaches the hand-held music player of claim 10, wherein the radio transmitter comprises a radio data system (RDS) transmitter (see Thielen, ¶ 0129).

14. Regarding **claim 12**, see the preceding argument with respect to claim 11. The combination teaches the hand-held music player of claim 11, wherein meta-data

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transferred through said second transfer socket to the radio transmitter, is transmitted by the radio transmitter as RDS data (see Thielen, ¶ 0129, wherein it is obvious the meta-data is the associated text information which is transmitted with the audio data using FM and RDS means).

15. Regarding **claim 13**, see the preceding argument with respect to claim 12. The combination teaches the hand-held music player of claim 12, wherein the meta-data transferred by the second transfer socket to the radio transmitter includes the name of the analog song being transmitted by the first transfer socket to the radio transmitter. Thielen teaches associated text information and it is obvious that this includes a name of the song currently being transmitted.

16. Regarding **claim 14**, see the preceding argument with respect to claim 12. The combination teaches the hand-held music player of claim 12, wherein the meta-data transferred by the second transfer socket to the radio transmitter includes information about the hand-held digital music player (see the preceding argument with respect to claim 13, wherein the associated text information about a currently playing song reads on transferred information about a hand-held player, in as much that it conveys the player is playing a song).

17. Regarding **claim 16**, see the preceding argument with respect to claim 10. The combination teaches the hand-held music player of claim 10, further comprising a frequency selector, for selecting a broadcast frequency for transmission by the radio transmitter (see Thielen, ¶ 0128).

18. Regarding **claim 17**, see the preceding argument with respect to claim 16. The combination teaches the hand-held music player of claim 16, wherein said frequency selector comprises a tuner for scanning radio frequencies (see Thielen, ¶ 0133).

19. Regarding **claim 53**, see the preceding argument with respect to claim 1. The combination teaches a device with these features, wherein Grady teaches that the dock connector is a USB socket (see Grady, ¶ 0073) and it is obvious to send the meta-data to the RDS encoder (see Thielen, ¶ 0129) for the purpose of creating a modular design for use with a wide variety of media players (id., ¶ 0213-0220). Furthermore, Fadell a second connector for receiving a digital song and meta-data (see Fadell, ¶ 0057, 0074, 0076, 0081 and figure 2, unit 154, figure 5, unit 214, figure 6C, and figure 7C, units 268 and 270 and Csicsatka, figure 1). The combination teaches circuitry to process a digital song to transmit an analog song over FM and to receive and transfer digital metadata to a RDS system and (see Fadell, ¶ 0055, figure 1, unit 118 and figure 6C further in view of Thielen, ¶ 0049-0050, 0128-0130, 0213-0220, figure 10, units 30, 1350, figure 13, unit 1350, and 1390).

20. **Claims 7 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Grady, Fadell, and Thielen with evidence from Csicsatka with additional evidence as applied to claim 6 above, and further in view of Official Notice of well-known prior art (admitted as prior art because applicant had not traversed the original rejection on 6/27/2008, see MPEP 2144.03 C).

21. Regarding **claim 7**, see the preceding argument with respect to claim 6. The combination teaches the hand-held music player of claim 6. However the combination does not specify if the USB socket is a USB 1.1 socket.

The Office takes *Official Notice*, wherein it is well-known in the prior art at the time of the invention by one of ordinary skill in the art that USB 1.1 and 2.0 could be implemented. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Grady, Fadell, Thielen, and well-known prior art with evidence from Csicsatka for the purpose of supporting low-speed USB 1.1 devices to ensure compatibility. Likewise it would be obvious to support the high-speed USB 2.0 interface to ensure the fastest transfer rates of digital data when possible.

22. Regarding **claim 8**, see the preceding argument with respect to claims 6 and 7. The combination teaches the hand-held music player of claim 6, wherein said USB socket is a USB 2.0 socket.

23. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Grady, Fadell, and Thielen with evidence from Csicsatka as applied to claim 6 above, and further in view of Matsuda et al., US 6,774,604 B2 (previously cited and hereinafter Matsuda).

24. Regarding **claim 9**, see the preceding argument with respect to claim 6. The combination of Grady, Fadell, and Thielen with evidence from Csicsatka teaches the features of claim 6. However, the combination does not teach a USB on-the-go (OTG) socket.

Matsuda teaches a USB OTG socket for charging a digital device from another portable device or charging the portable device from the digital device (column 9, lines 1-60). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Grady, Fadell, Thielen, and Matsuda with evidence from Csicsatka for the purpose of charging the digital player from another portable device.

25. **Claims 56 and 57** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Grady, Fadell, and Thielen with evidence from Csicsatka as applied to claim 1 above, and further in view of Jones et al. (hereinafter Jones), US 6,697,944 B1.

26. Regarding claim 56, see the preceding rejection with respect to claim 1. The combination teaches the hand-held music player of claim 1, wherein the digital song and meta-data is processed by circuitry to generate an analog song to transfer via a first socket to an external FM transmitter (see Grady, ¶ 0064 and figure 12, unit 226), to generate meta-data transferred by the second transfer socket to the radio transmitter (see Fadell, ¶ 0055, wherein the second socket receives digital meta-data in a digital song via a computer, and Thielen, ¶ 0129, teaches sending the meta-data to the radio transmitter for transmission via FM using RDS). Fadell with evidence from Csicsatka teaches a mini-jack distinct from the first socket for generating music to be played via headphones. However, the combination does not appear to teach receiving digital songs and meta-data via a kiosk.

Jones teaches a digital content distribution method (see abstract). Specifically, Jones teaches transferring digital content to a portable MP3 player from a kiosk (see column 3, lines 25-37). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Grady, Fadell, Thielen, and Jones with evidence from Csicsatka for the purpose of providing wider distribution of content.

27. Regarding **claim 57**, see the preceding rejection with respect to claims 53 and 56. The combination teaches the device of claim 53 with these additional features.

Allowable Subject Matter

28. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Juntunen et al., US 6,163,711 A (previously cited) - teaches an FM/RDS transmitter system (abstract);

James, US 6,671,494 B1 (previously cited) - teaches an add-on FM transmitter (abstract);

Saubade, US 2004/0049559 A1 (previously cited) - teaches a DARC encoder to provide text in a sideband (abstract and ¶ 0042);

Strietelmeier, Julie, "Gadgeteer Hands On Review: Apple iPod (3rd Generation 30GB Model)", 06/06/2003 (previously cited) - teaches about the iPod (pp. 1-10) and evidence that a line out is helpful for driving speakers (see p. 5, end of third paragraph);

Staff, "Griffin Technology Ships New iTrip for 3rd Generation iPods", 10/08/2003 (previously cited) - teaches about an FM add-on to the iPod (pp. 1-2);

David Carey, "Apple's iPod packs a pricey punch" (previously cited and hereinafter Carey), is evidence to teach a dial on the IPOD casing (see p. 1, ¶ 4, second sentence and p. 3, top left of figure, which teaches a navigation scroll wheel, or dial, assembly); and

Mankovitz, US 5,161,251 A (previously cited), teaches sending audio from a compact disc and associated metadata to a FM transmitter (see abstract and figures 1 and 9).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL R. SELLERS whose telephone number is (571)272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Daniel R. Sellers/
Examiner, Art Unit 2614

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2614